

**Minutes  
Bar Harbor Planning Board  
September 5, 2007**

***Members present: Kay Stevens-Rosa, Chair; Jennifer Booher, Vice-Chair; Kevin Cochary; Mike Gurtler***

***Also present: Angela Chamberlain, Code Enforcement Officer; Kris Hultgren, Staff Planner; Lee Bragg, Esq., Town Attorney***

**I. CALL TO ORDER — 5:37 p.m.**

**II. EXCUSED ABSENCES**

***Mr. Cochary made a motion to excuse Ms. Kay-Stevens and Ms. Stanley. Mr. Gurtler seconded and the board voted unanimously on the motion. The motion passed 3-0.***

**III. ADOPTION OF THE AGENDA**

***Mr. Cochary made a motion to adopt the agenda. Mr. Gurtler seconded and the Board voted unanimously on the motion. The motion passed 3-0.***

**IV. APPROVAL OF MINUTES**

***Mr. Cochary made a motion to except the minutes from 7.18.07, 8.1.07, 8.15.07. Mr. Gurtler seconded and the Board voted unanimously on the motion. The motion passed 3-0.***

**V. REGULAR BUSINESS**

**A. Deliberations – SP-06-08 Cadillac Management Company, LLC**

**Project Location:** 322, 330, and 336 Main Street, Bar Harbor Tax Map 108, Lots 30, 38, 39, and 40

**Applicant:** Cadillac Management Company, LLC

**Application:** The application proposes to build an addition (approximately 9,700 SF) to the existing Cadillac Mountain Office Building, with accompanying changes to parking and pedestrian circulation.

The Board discussed the new parking plan submitted by the applicant.

The Board discussed parking spaces 15 and 16 on the site plan and decided they are adequate.

***Mr. Cochary made a motion to designate spots 15 and 16 as parking spots to be used by those who work in the adjacent building. Mr. Gurtler seconded and the Board voted unanimously on the motion. The motion passed 3-0.***

Mr. Cochary asked the applicant to place a sign at the entrances of the parking lot on lot #2 identifying the parking for Cadillac Management. The applicant was amenable to this request.

Mr. Gurtler asked if the Board should set a minimum number of parking spaces for lot #2. The Board discussed the issue.

***Mr. Gurtler made a motion to allow the applicant to decrease the number of spaces on lot #2 to 36 spaces if the use of the building changes but to decrease the number of spaces further the applicant would have to come back to the Planning Board. Mr. Cochary seconded and the Board voted unanimously on the motion. The motion passed 3-0.***

The Board discussed the buffering requirements around the site with the applicant.

*Ms. Booher asked that the existing fence running from Oliver St. to Livingston St. be shown on the final site plan.*

*Ms. Booher asked that a condition of approval be that no construction vehicles be allowed to travel any deeper into the neighborhood than the applicant's site. Mr. Gurtler and Mr. Cochary agreed.*

*Ms. Booher asked that a condition of approval be that the small woodland in the southeast corner be fenced off during construction and no materials be stored in this area during construction. Mr. Gurtler and Mr. Cochary agreed.*

The Board discussed protecting the small woodland in the southeast corner.

***Mr. Gurtler made a motion that the woodland buffer on the southeast corner of lot #2 be maintained as listed on the final site plan with the exception of necessary pruning and maintenance in the instance of removal of a tree the applicant will comply with 125-68 (B)(13)(b)(5). Mr. Cochary seconded and the Board voted unanimously on the motion. The motion passed 3-0. This is a condition of approval.***

***Mr. Gurtler made a motion to make a condition of approval that an arborist reviews any modifications to the maple tree on Lot #1. Mr. Cochary seconded and the Board voted unanimously on the motion. The motion passed 3-0.***

The Board discussed the start time of construction. The Board made a request that the applicant not start construction before 730am and the applicant said he would do what he could to accommodate the request but the timeframe for finishing the project may make that difficult.

***Mr. Gurtler made a motion to approve the application with the conditions noted above. Mr. Cochary seconded and the Board voted unanimously on the motion. The motion passed 3-0.***

- B. Continuation of a Public Hearing – SD-06-20 – Orchard Ridge**  
**Project Location:** 45 Knox Rd, Bar Harbor Tax Map 227, Lot 46  
**Applicant:** Shaw & Gott III, LLC

**Application:** Proposes to create a 10 lot residential subdivision off of Knox Road in Town Hill.

The applicant gave an overview of the new plan submitted that eliminated lots 5 & 6.

Ms. Booher asked the applicant to address the wetland on Lot #3 and whether it is more than 2 acres. Mr. Musson, speaking for the applicant, said two different specialists determined the wetland was less than 2 acres.

Todd Coffin, from Ransom Environmental, described the peer review it conducted of the subdivision. Specifically, Mr. Coffin discussed the well tests conducted by the applicant and determined that the yields were sufficient. He emphasized that the yield of a well is a localized calculation and he found sufficient groundwater available for the proposed subdivision.

Board members expressed the concerns of neighbors who said they are having water concerns currently and are worried about their problems getting worse with a new abutting subdivision. Mr. Coffin reiterated that the problems of a few neighbors with their wells could be a number of different reasons and not necessarily the abutting subdivision. Mr. Coffin found sufficient water to support the new development.

Ms. Booher opened the hearing to the public.

Beth Ingrebritsen, an abutter, asked about household consumption of water and the role commercial development impacts the water capacity.

Dessa Dansy of 59 Knox Road asked how the recharge rate was calculated, how the different lots were going to be sold and who is responsible for the ongoing maintenance of the stormwater mitigation plan.

Mike Gillis, a concerned citizen and not an abutter to this project, expressed concern over the engineering of a site to address stormwater.

Greg Johnston, representing the applicant, described engineering practices associated with stormwater management.

Laureen Donnelly, an abutting property owner, asked for some explanation on water recharge calculations. Mr. Coffin explained how recharge rates are calculated.

Mike Staggs, an abutting property owner, talked about his well water problems and his concerns related to stormwater engineering.

Mr. Coffin spoke to wells naturally degrading over time and water problems may not necessarily be additional development in the area.

Elizabeth Hurley expressed her concerns about water capacity and stormwater runoff.

Adrienne Mehollow inquired about the depth of the test wells. Mr. Coffin confirmed that the depth of the test wells were 400 to 500 feet.

The applicant commented about testing neighbors' wells after the neighborhood meeting but there was some confusion about why that did not happen.

***Mr. Gurtler made a motion to continue the public hearing to the September 19, 2007 meeting. Mr. Cochary seconded and the Board voted unanimously on the motion.***

**C. Public Hearing – SP-05-02 – Acadia Storage**

**Project Location:** 1427 State Highway 102, Bar Harbor Tax Map 220, Lot 25

**Applicant:** Acadia Storage

**Application:** Proposes to construct two self-storage buildings.

Ms. Booher opened the hearing to public comment.

Laureen Donnelly inquired about the lighting for the project. Mr. Johnston, representing the applicant, addressed the issue by describing the lighting plan that is part of the land owner's application.

Mr. Johnston commented that the applicant has received approval from MaineDOT to widen the driveway.

***Mr. Cochary made a motion to approve the application with the condition that the lighting fixtures that are missing are replaced. Mr. Gurtler seconded and the Board voted unanimously on the motion.***

**D. Sketch Plan Review – PUD-07-01 – Hamilton Station**

**Project Location:** 831 State Highway 3, Bar Harbor Tax Map 202, Lot 33

**Applicant:** Hamilton Station, LLC; Shaw & Gott, LLC

**Application:** Proposal of a Planned Unit Development to place 65 units/lots with a commercial component on 42 acres.

Ms. Booher expressed her disapproval with the site design of the current sketch plan.

Mr. Musson asked the Board to help the applicant schedule a neighborhood meeting to assist with the development of a new site plan.

The Board discussed the process of a planned unit development.

***Mr. Gurtler made a motion to continue the sketch plan to the October 3 meeting and in the meantime schedule the site visit and neighborhood meeting with at least 2 weeks notice. Mr. Cochary seconded and the Board discussed the motion.***

Ruth Cserr thanked the applicant for its submissions and inquired about the sketch plan process moving forward.

John Kelly thanked the applicant for complying with the neighbors' previous requests and asked if a stenographer could be available for the neighborhood meeting. It was determined that this was not possible because there will be multiple groups working at the meeting.

***The Board voted unanimously on the motion.***

The Board scheduled the site visit for Saturday, September 22<sup>nd</sup>.

**E. Public Hearing – Land Use Ordinance Amendment – Flag Program**

The amendment seeks to extend the previously approved flag program designating businesses open for business from the end of the month of April to the end of the month of May.

Mr. Gurtler described his role as the Chair of the Warrant Committee and whether there was a problem with him voting twice on recommending the amendment.

***Mr. Cochary made a motion not to ask Mr. Gurtler to recuse himself from the vote. Ms. Booher seconded and the Board voted unanimously on the motion.***

***Mr. Cochary made a motion to recommend the town approve the change as stated. Mr. Gurtler seconded and the Board voted unanimously on the motion.***

**VI. OTHER BUSINESS**

**A. Vote on Comprehensive Plan**

Mr. Cochary commented about wanting to review the Comprehensive Plan further. He also commented about the need to educate the public about the process moving forward.

Mr. Chorover spoke about his disapproval of the Comprehensive Plan in its current form.

Mr. Kelly made a request that the Future Land Use Plan be part of the insert scheduled to be published in the Mount Desert Islander newspaper.

***Mr. Gurtler made a motion to request that the Land Use Plan be a part of the insert into the newspaper. Mr. Cochary seconded and the Board voted unanimously on the motion.***

Mr. Gurtler disclosed that he had voted on recommending the Comprehensive Plan as a member of the Warrant Committee. ***Mr. Cochary made a motion not to ask Mr. Gurtler to recuse himself from the vote. The Board voted unanimously on the motion.***

***Mr. Gurtler made a motion to recommend to the town that the Comprehensive Plan be adopted. Mr. Cochary seconded and the Board voted unanimously on the motion.***

**VII. PLANNING DIRECTOR'S REPORT**

There was no report.

**VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

There were no comments.

**IX. ADJOURNMENT – 9:45 PM**

*Ms. Gurtler made a motion to adjourn, Mr. Cochary seconded and the Board voted unanimously on the motion.*

*Signed as approved:*

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Kay Stevens-Rosa, Chair  
Planning Board, Town of Bar Harbor

Date